

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff)
v.) No. 2:23-cr-20121-TLP
ASHLEY GRAYSON,)
Defendant.)

**UNITED STATES' MOTION FOR LEAVE TO FILE SURREPLY TO DEFENDANT'S
REPLY**

The United States respectfully requests leave to file the attached two-page Surreply to Defendant's Reply to the Government's Response to Defendant's Motion for Reconsideration of Denial of Motion for a New Trial. Defense Counsel is not opposed to this request.

Respectfully submitted,

REAGAN TAYLOR FONDREN
Acting United States Attorney
Western District of Tennessee

By: s/P. Neal Oldham
P. NEAL OLDHAM
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Memphis, TN 38103
(023811 – Tennessee)

CERTIFICATE OF SERVICE

I, P. Neal Oldham, Assistant United States Attorney for the Western District of Tennessee, hereby certify that a copy of the foregoing Motion has been forwarded to Defendant's attorneys via the court's electronic delivery system.

s/P. Neal Oldham
P. Neal Oldham
Assistant United States Attorney

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UNITED STATES OF AMERICA,)
Plaintiff)
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ASHLEY GRAYSON,)
Defendant.)

**GOVERNMENT'S SURREPLY TO DEFENDANT ASHLEY GRAYSON'S REPLY TO
THE UNITED STATES' RESPONE TO ASHLEY GRAYSON'S MOTION FOR
RECONSIDERATION OF DENIAL OF MOTION FOR MISTRIAL**

The Government responds to Defendant's Reply to Government's Response to address its new arguments. Rather than reply to the Government's Response, Defendant instead offered a new analysis of the established record.

In its filing, Defendant misrepresents the ruling by Judge McCalla to recuse himself. RE-175. Judge McCalla did not find that he had any “impermissible bias or prejudice against Mrs. Grayson. *Id.* at p. 17. Rather, his concern was that “a Probation Officer’s memory of a privileged chambers conversation two weeks earlier, and is incompatible with the record, . . . creates an appearance of impropriety.” *Id.* Thus, he predicted that “any sentence imposed would create the appearance of impropriety at sentence.” *Id.* at p. 18. Judge McCalla provided examples in the record and determined “there is simply no evidence of invidious discrimination or rampant bias in this case.” *Id.* at p. 24. Thus, he was the appropriate judicial officer to deny the motion for a new trial each of the previous times it was raised.

The Government has substantively responded to Grayson’s motion for a new trial five times and maintains that it was correctly decided by the Trial Court.

Conclusion

Based on the foregoing, this Court should deny defendant's motion for a new trial.

Respectfully submitted,

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